

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLYDE DENE MILES

§

VS.

§

CIVIL ACTION NO. 1:11-CV-2

STEVEN RICH, ET AL.

§

MEMORANDUM ORDER OVERRULING THE OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Clyde Dene Miles, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Steven Rich, Gideon Daniel, Gene A. Kroll, Kimberly King, and Keith F. Gorsuch.

The Court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends denying defendants' motion for summary judgment.

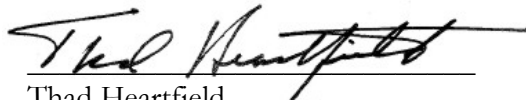
The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. The parties filed objections to the magistrate judge's Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the Court concludes the objections are without merit.

**ORDER**

Accordingly, the objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Defendants' motion for summary judgment (document no. 42) is **DENIED**.

**SIGNED** this the **18** day of **March, 2013**.

  
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Thad Heartfield  
United States District Judge